IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE SIDE

WRIT PETITION NO. 5301 OF 2007

M/s. Polyplast Chemical Plant
(I) Pvt. Ltd... .. Petitioner

versus

Mrs. Nirmal Kuldeep Mundhe & ors..... Respondent.

Shri K.S.Dewal & M.B.Kale for the petitioner.
Shri Pratap Patil i/b Manoj Kadam for the respondent no.1.

CORAM; A.P. DESHPANDE, J.
DATED; 20TH JULY, 2007

P.C.;

1. The preset petitioner has purchased the suit property on 16th March 2007, though it had knowledge about the pendency of the suit. Immediately after the purchase, the petitioner seems to have made arrangements for carrying out construction on the said land. The plaintiff thus applied for impleadment of the petitioner as party respondent in the suit so also moved an application for temporary injunction, seeking to restrain the petitioner from carrying out construction at the suit site. The trial court has granted temporary injunction as prayed for in favour of the plaintiff and aggrieved thereby a Misc. Civil Appeal came to be filed by the petitioner, and the rejection of the said Misc. Civil Appeal by the

District Judge has given raise to the filing of this writ petition. The suit is filed in the year 1994 and the subject matter of the suit has been purchased by the petitioner in March 2007. Any interference with the impugned order may create further complications as the suit itself is of the year 1994. Expediting the disposal of the suit will subserve ends of justice. Both the courts have concurred in holding that the plaintiff has made out a primafacie case for grant of interim relief. Hence no case for interference with the impugned order is made out. However, though I declined to interfere with the impugned order, I direct the trial court to decide the suit as expeditiously as possible and preferably within a period of six months form today. The writ petition is thus summarily dismissed. Needless to mention that all contentions raised in this petition are left open to be agitated before the trial court.

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